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ACTION INR-00

INFO	LOG-00	NP-00	AF-00	A-00	ACQ-00	CIAE-00	DODE-00
	DS-00	EUR-00	UTED-00	VC-00	TEDE-00	LAB-01	L-00
	VCE-00	NSAE-00	NSCE-00	TEST-00	USIE-00	IIP-00	DSCC-00
	DRL-02	NFAT-00	SAS-00	/003W			

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FM AMEMBASSY HARARE  
TO SECSTATE WASHDC PRIORITY 0201  
INFO AMEMBASSY PRETORIA  
AMEMBASSY LUSAKA  
AMEMBASSY WINDHOEK  
AMEMBASSY GABORONE  
AMEMBASSY LILONGWE  
AMEMBASSY LONDON

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SIPDIS

AF/PD FOR COX, ROBERTSON, AF/S FOR KRAFT, AF/P, INR/R/MR,  
NSC FOR JENDAYI FRAZER

E.O. 12958: N/A

TAGS: [ZI](#) [PREL](#) [PHUM](#)

SUBJECT: MEDIA REPORT - NEW YORK COURT DECISION ON  
PRESIDENT MUGABE AND ZANU-PF.

1. THE GOVERNMENT-CONTROLLED DAILY "THE HERALD" DEDICATED ITS NOVEMBER 3 EDITORIAL TO THE RECENT DEFAULT JUDGEMENT AGAINST PRESIDENT ROBERT MUGABE ISSUED BY AN U.S. FEDERAL COURT. THE RULING THAT PRESIDENT ROBERT MUGABE, IN HIS CAPACITY AS THE FIRST SECRETARY OF THE RULING ZANU-PF PARTY, IS LIABLE FOR DAMAGES RELATED TO POLITICAL VIOLENCE IN ZIMBABWE WAS NOT WELL RECEIVED BY THE PAPER. UNDER HEADLINE "U. S. COURT'S RULING DEFIES LOGIC," THE PAPER COMMENTS:

2. "THE RECENTLY PASSED U. S. FEDERAL COURT'S RULING DECLARING THAT PRESIDENT MUGABE CAN BE SUED IN THAT COUNTRY AS THE FIRST SECRETARY OF ZANU PF, DEFIES ALL LOGIC AND IS A TYPICAL EXAMPLE OF AMERICAN ARROGANCE TOWARDS THE REST OF THE WORLD. . . BUT WE ALL KNOW THAT THE MEANING OF JUSTICE AND FAIR PLAY HAS A DIFFERENT INTERPRETATION IN AMERICA TO THAT OF THE REST OF THE WORLD. OTHERWISE, WHERE ELSE IN THE WORLD WOULD A LEARNED JUDGE PASS SUCH JUDGEMENT WITHOUT GIVING AUDIENCE TO THE OTHER PARTY? ANY PROPERLY CONSTITUTED COURT WITH THE DESIRE TO UPHOLD THE INTERESTS OF JUSTICE WOULD, BEFORE HEARING SUCH A CASE, EQUIP ITSELF WITH UNBIASED EVIDENCE OF THE SITUATION ON THE GROUND ON THE GIVEN COUNTRY. . . IN THIS CASE IT SEEMS THE PRESIDING JUDGE ALREADY HAD A PRECONCEIVED IDEA ABOUT ZIMBABWE AND SAW IT FIT TO DISREGARD THE RULES OF JUSTICE. DESPITE THE LAID-DOWN RULES, THE U. S. COURT ISSUED A DEFAULT JUDGEMENT AGAINST ZANU PF WITHOUT ENSURING THAT THE RESPONDENT HAD BEEN PROPERLY SERVED. . . THEREFORE, SINCE IT IS QUITE APPARENT THAT SERVICE WAS NOT PROPERLY EFFECTED, THE COURT SHOULD HAVE REFUSED THE HEAR THE MATTER. . . ."

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